

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

United States of America,

Plaintiff,

vs.

Erik Everett Cryderman,

Defendant.

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ORDER

Case No. 1:04-cr-069

On February 4, 2008, Defendant made his initial appearance on a Petition for Warrant or Summons for Offender under Supervision. AUSA Clare Hochhalter appeared on the Government's behalf. Orell Schmitz was appointed as defense counsel and appeared on Defendant's behalf.

Previously, the court modified Defendant's condition of supervised release to require that he reside at Centre, Inc. for a period of six months commencing on February 4, 2008. However, at Defendant's initial appearance on the petition at bar, the court was advised that Centre, Inc. will not have bed space available until February 19, 2008.

Upon conferring with counsel, Defendant consented to be detained pending the availability of bed space at Centre, Inc. The court finds that Defendant's statements regarding detention were made freely and voluntarily, and knowingly and intelligently.

Accordingly, the court **ORDERS** that Defendant be committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal until such time there is space for Defendant at Centre, Inc. Defendant shall be afforded a reasonable opportunity for private consultations with defense counsel. On order of a

court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 4th day of February, 2008.

/s/ Charles S. Miller, Jr. _____
Charles S. Miller, Jr.
United States Magistrate Judge